CHAPTER VII.

MISCELLANEOUS.

Disposal of rewards, etc., payable to police-officers.

75. All sums paid for the service of process by police-officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to police-officers as informers, shall, except as hereinafter in this section provided, be credited to Government :

Provided that, with the sanction of Government, or under any rule made by Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services be paid to a police-officer or be divided amongst two or more police-officers.

District Magistrate's authority over village police-officers may be delegated to District Superintendent and may be withdrawn.

76. Any Magistrate of a district may delegate to the District Superintendent any authority which such Magistrate himself possesses for police purposes over any village police-officer, and may withdraw such authority.

No municipal or other rates to be payable by Government on police-buildings.

77. (*1*) No municipal or other local rates shall be payable by Government on account of the occupation or use of any house or place by members of the police force for the convenient performance of their duties.

[1] * * * * * * *

Method of proving orders and notifications issued under this Act.

78. Any order or notification published or issued by Government or by a Magistrate or officer under any provision of this Act, and the due publication and issue thereof, may be proved by the production of a copy thereof in the Bombay Government Gazette or of a copy thereof signed by such Magistrate or officer and by him certified to be a true copy of an original published and issued according to the provisions of the section of this Act applicable thereto.

Rules and orders not to be deemed invalid on account of defect of form or irregularity in procedure.

79. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision herein contained or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient for any defect of form or publication or any irregularity of procedure.

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[1] Sub-sections (*2*) and (*3*) were repealed by s. 3 and Sch. II of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

No Commissioner, Magistrate or police-officer to be liable to penalty or damages for act done in good faith in pursuance of duty.

80. (*1*) No Commissioner, Magistrate or police-officer shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or of any rule, order or direction lawfully made or given thereunder.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

(*2*) No public servant or person duly appointed or authorized shall be liable as aforesaid for giving effect in good faith to any such order or direction issued with apparent authority by Government or by a person empowered in that behalf under this Act or any rule made under any provision thereof.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained, or to be dismissed, if not instituted within six months.

(*3*) In any case of an alleged offence by a Magistrate, police-officer, or other person, or of a wrong alleged to have been done by such Magistrate, police-officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted more than six months after the date of the act complained of.

In suits as aforesaid one month's notice of suit to be given with sufficient description of wrong complained of.

(*4*) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrongdoer one month's notice at least of the intended suit with a sufficient description of the wrong complained of, failing which such suit shall be dismissed.

Plaint to set forth service of notice and tender of amends.

(*5*) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if any, what, tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

Person interested may apply to Government to annul, reverse, or alter any rule or order.

81. (*1*) In the case of any rule or order made by Government under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any person interested to apply to Government by a memorial given to a Secretary to Government to annul, reverse, or alter the rule or order aforesaid on the ground of its being unlawful, oppressive or unreasonable.

When a suit shall lie to the District Court to declare a rule or order unlawful.

(*2*) After such an application as aforesaid and the rejection thereof wholly or in part, or after the lapse of four months without an answer to such application or a decision thereon published by Government, it shall be competent to the person interested and deeming the rule or order contrary to law to institute a suit against Government in the District Court of the district wherein the rule or order operates, for a declaration that the rule or order is unlawful either wholly or in part. The decision in such suit shall be subject to appeal ; and a rule or order finally adjudged to be unlawful shall by Government be annulled or reversed or so altered as to make it conformable to law.

82. [*Saving of certain Acts.*] *Repealed by Act XVI of 1895.*

SCHEDULE A.

(*See section 2.*)

ENACTMENTS REPEALED.

No. and year of enactment.	Title or subject.	Extent of repeal.
Bombay Regulation No. XII of 1827.[1]	For the establishment of a system of police throughout the Bombay Presidency.	So much of clauses 1, 6, 7 and 8 of section 19 as has not already been repealed.
Acts of the Governor of Bombay in Council.		
VII of 1867[2] ...	The Bombay District Police Act.	The whole Act, except sections 33 and 34.
III of 1886[3] ...	The Bombay General Clauses Act.	So much of Schedule B as relates to clauses 1, 6, 7 and 8 of section 19 of Regulation XII of 1827 and to any section of Bombay Act VII of 1867, except section 34.

[1] Vol. I of this Code.

[2] Vol. II of this Code.

[3] This Act has since been repealed by the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), save as to portions of Schedule B which relate to unrepealed enactments and is reproduced as an appendix to that Act, *see* Vol. IV of this Code.